

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD MAY 11, 2006 AT 3:00 P.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham, Chairman; Mr. Harry F. Atherton, Vice-Chairman;
Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling;
Mr. Paul S. McCulla, County Administrator; Mr. Kevin Burke, County
Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

**VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) PROJECT STATUS
UPDATE**

David Cubbage, representing the Virginia Department of Transportation, briefed the Board of Supervisors on the status of current and future projects.

**UPDATE ON THE COMMERCIAL AND DEMOLITION DEBRIS (CDD) AND
RECYCLING PROGRAMS**

Mike Dorsey, Director of Environmental Services, reviewed progress to date on the development plan of a construction and demolition debris (CDD) recycling operation to allow the continued delivery of CDD waste to the Corral Farm facility.

**A WORK SESSION TO CONSIDER PROGRESS ON FAUQUIER COUNTY'S 2006
LEGISLATIVE PRIORITIES**

Delegate Mark Cole provided an update of legislative activity in the 2006 session of the General Assembly, including consequences of the current budget impasse, ABC privatization, tax increases, and transportation funding and planning issues.

FAUQUIER EXTENSION LEADERSHIP COUNCIL DINNER MEETING

The Board of Supervisors attended a dinner hosted by the Fauquier Extension Leadership Council at the Fauquier Extension Office.

The meeting was reconvened in Regular Session at 6:30 p.m.

ADOPTION OF THE AGENDA

Mr. Atherton moved to adopt the agenda, as promulgated. Mr. Downey seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Harry F. Atherton; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

CITIZENS' TIME

- Tom Marable, President of the Fire and Rescue Association, expressed concern with what he characterized as “renegade” attempts to add an additional Fire Department in the Bealeton area, and he requested the Board of Supervisors to support the Fire and Rescue Association’s efforts to suppress the movement.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Robison presented a Proclamation Honoring the Life of Harry Lynn Hopewell, Jr., to members of his family.
- Mr. Graham presented to Sheriff Fox a Proclamation to Recognize the Fauquier County Sheriff’s Office for the Successful Inmate Worker Program.
- Mr. Graham announced the presentation of a Proclamation to Honor Paul Maycock for His Dedicated Service to the Citizens of Fauquier County.
- Mr. Graham announced the presentation of a Proclamation to Honor Robert Riddell for His Dedicated Service to the Citizens of Fauquier County.

CONSENT AGENDA

Mr. Atherton moved to adopt the following consent agenda items. Mr. Robison seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*

Approval of the Minutes for the April 13, 2006 Regular Meeting, and the April 14, 2006 Adjourned Meeting of the Fauquier County Board of Supervisors

A Resolution to Establish Additional Cash Drawers for the Parks and Recreation Department Northern, Eastern, Central and Southern Regions

RESOLUTION

A RESOLUTION TO ESTABLISH ADDITIONAL CASH DRAWERS FOR THE PARKS AND RECREATION DEPARTMENT NORTHERN, EASTERN, CENTRAL AND SOUTHERN REGIONS

WHEREAS, cash drawers are an essential element of conducting cash business; and

WHEREAS, an adequate amount of change is necessary for addressing unusual monetary demands by customers, and County policy requires each individual to have a cash drawer; and

WHEREAS, the Finance department, the County auditors, and the Parks and Recreation Department endorse the use of cash drawers; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That 22 additional cash drawers in the total amount of \$2,900 be, and are hereby, authorized for the purpose of providing change to the public and accepting payments for departmental services; and, be it

RESOLVED FURTHER, That all financial procedures shall be subject to, and in conformance with, standards prescribed by the County's certified public accounting firm.

A Resolution to Authorize the Chairman of the Board of Supervisors to Accept an Easement on The Fauquier Bank Property

RESOLUTION

A RESOLUTION TO AUTHORIZE THE CHAIRMAN OF THE BOARD OF SUPERVISORS TO ACCEPT AN EASEMENT ON THE FAUQUIER BANK PROPERTY

WHEREAS, the John Barton Payne Building has no accessible disabled parking; and

WHEREAS, The Fauquier Bank has offered an easement over their property that would allow disabled patrons of the John Barton Payne Building utilization of their disabled parking and sidewalks for ingress and egress; and

WHEREAS, it is the County's desire and in the best interest of the disabled citizens of Fauquier County that the John Barton Payne Building become disabled accessible; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That, the Chairman of the Board of Supervisors be, and is hereby, authorized to accept the easement on The Fauquier Bank property.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Ordinance to Classify Real Property Owned by Fauquier Housing Corporation or its Wholly Owned Subsidiaries as Exempt From Real Property Taxation

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY REAL PROPERTY OWNED BY FAUQUIER HOUSING CORPORATION OR ITS WHOLLY OWNED SUBSIDIARIES AS EXEMPT FROM REAL PROPERTY TAXATION

WHEREAS, Fauquier Housing Corporation has requested that the County classify certain properties owned or hereafter acquired by Fauquier Housing Corporation or its wholly owned subsidiaries as exempt from real property taxation; and

WHEREAS, Fauquier Housing Corporation has stated in the applications for exemption that the exemptions will facilitate its efforts to provide affordable housing; and

WHEREAS, prior to classifying such property as exempt, it is necessary to hold a public hearing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider comment regarding whether to adopt an Ordinance exempting specified properties owned by Fauquier Housing Corporation or its wholly owned subsidiaries.

A Resolution to Authorize the County Administrator to Submit a Revised Program Income Plan for the Community Development Botha Village Project

RESOLUTION

A RESOLUTION TO AUTHORIZE THE COUNTY ADMINISTRATOR TO SUBMIT A REVISED PROGRAM INCOME PLAN FOR THE COMMUNITY DEVELOPMENT BOTHA VILLAGE PROJECT

WHEREAS, Fauquier County previously received Community Development Block Grant funds that were used to construct the subdivision infrastructure for the Botha Village; and

WHEREAS, agreements with residents stipulate that these funds will be repaid on a pro-rata basis if the loan is terminated; and

WHEREAS, Fauquier County has received funds as a result of the termination of a loan that now requires the approval of a Program Income Plan and that these proceeds be used in a manner consistent with the Grant guidelines; and

WHEREAS, the Program Income Plan allocates this funding to Fauquier Housing Corporation as a loan to be used to expand the supply of affordable housing; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Botha Village Program Income Plan be, and is hereby, approved; and, be it

RESOLVED FURTHER, that the County Administrator be, and is hereby, authorized to execute this plan; and, be it

RESOLVED FINALLY, that these funds shall be loaned to the Fauquier Housing Corporation to augment the Revolving Loan Fund used for the development of affordable housing units.

Botha Village Project CDBG CIG 1999
PROGRAM INCOME PLAN Revision

Subrecipient: Fauquier County VA

Date: May 1, 2006

Project Title: Botha Village Affordable Homeownership Project

OBJECTIVE:

The expenditure of inactive program income generated from the CDBG program in a manner that will directly benefit low- to moderate-income residents of Fauquier County by helping provide affordable housing opportunities.

1. ACTIVITIES:

A.CDBG-INCOME FUNDED ACTIVITIES: Botha Village CDBG program income is all loan repayments, loan payoffs or other revenue earned as a result of program expenditure.

B.Active program income: There are no active program income funds.

C.Inactive program income. Funds received after the end of the contract year will be used for the following activities

a) Fauquier Housing Corporation REVOLVING LOAN FUND

(1) Funds will be lent to Fauquier Housing Corporation to be used in their Revolving Loan Fund for the development of affordable housing opportunities in Fauquier County to serve

eligible Fauquier County households.

(2) Term: zero interest- deferred indefinitely as long as funds are used for the purposes stated.

b) TYPES OF LMI HOUSEHOLDS ARE ELIGIBLE TO PARTICIPATE IN THE PROGRAM:

(1) Fauquier County households whose total household income is at or less than 80% of the current HUD Income limits.

c) TIME FRAME:

(1) Ongoing as funds are available.

d) PROJECT AREA

(1) *Fauquier County Virginia*

e) FUNDS TO BE AVAILABLE

(1) Total Projected Program Income: \$ 26,000 as of 4/1/2006

f) **DECISION MAKING**

- (i) Fauquier County and Fauquier Housing Corporation will enter into a Memo of Understanding regarding this program.
- (ii) The Fauquier Housing Corporation Board will have final approval of the expenditure of all program income as outlined above and will ensure proper documentation of the proper use of funds.

g) **ADMINISTRATION**

- (i) The FHC Executive Director will manage the program income funds.
- (ii) The funds will be deposited in a federally insured interest bearing account and accounted for separately on the balance sheet.
- (iii) FHC will provide Fauquier County with annual reports of its programs and accomplishments.

I certify that this is the Fauquier County plan for use of income derived from the Botha Village Community Development Block Grant received after the contract closed. I further certify that Fauquier County fully intends to carry out this plan, to oversee its implementation and assures that no other use of these funds will be allowed. I certify that Fauquier County will take appropriate steps to ensure that Fauquier Housing Corporation will budget program income funds in a separate, distinct account and will maintain records documenting the use of those funds. I understand that the Virginia Department of Housing and Community Development may review the expenditure of program income funds.

Paul McCulla
County Administrator
Fauquier County Virginia

A Resolution Authorizing the Chairman of the Board of Supervisors to Enter Into Open Space Use Agreements with Landowners

RESOLUTION

A RESOLUTION AUTHORIZING THE CHAIRMAN OF THE BOARD OF SUPERVISORS
TO ENTER INTO OPEN SPACE AGREEMENTS WITH LANDOWNERS

WHEREAS, Fauquier County has established a special land assessment program for the preservation of real estate devoted to open space pursuant to Section 58.1-3233 of the Code of Virginia, 1950, as amended; and

WHEREAS, a landowner may qualify for the special land assessment program for the preservation of open space upon the execution and recordation of a written open space use agreement between the landowner and the Board of Supervisors; and

WHEREAS, to qualify for the special land assessment program for the preservation of open space, the real estate to be entered into the program must meet the general and specific standards promulgated by the Director of the Department of Conservation and Historic Resources as set forth in the Manual of the State Land Evaluation Advisory Council (1992); and

WHEREAS, the hereinafter identified landowners have requested that the Board of Supervisors enter into an Open Space Use Agreement for the preservation of certain land owned by them for the purposes of qualifying for the special land assessment program under the open space category; and

WHEREAS, the Board of Supervisors has determined that the hereinafter described land meets the general and specific standards as promulgated by the Director of the Department of Conservation and Historic Resources for entering into an Open Space Use Agreement committing the landowner not to change the use of the land to a nonqualifying use for a time period of eight years; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Chairman of the Board be, and is hereby, authorized to execute an Open Space Use Agreement with the hereinafter identified landowners:

NAME	IDENTIFICATION	ACREAGE
<u>RENEWAL</u> CFC, LLC	7808-67-5339-000 11446 Rogues Rd. Midland, VA 22728	168.0
<u>RENEWAL</u> Douglas, Bradfor N. Douglas, Joan M.	7932-43-3287-000 7932-41-5288-000 2523 Tenerife Rd. Catlett, VA 20119	121.5 43.5
<u>RENEWAL</u> Mullins, Joyce J.	6054-16-5406-000 9501 John Mosby Hwy. Upperville, VA 20185	50.0

<u>RENEWAL</u> Rice, Paul G. Rice, Gina J.	7917-33-1081-000 4378 Montreux Rd. Warrenton, VA 20187	38.0337
<u>NEW</u> Cunningham, Joseph L. Cunningham, Mary Ann	6040-65-8176-000 9515 Draycott Ct. Burke, VA 22015	50.0
<u>NEW</u> Murphy, Cornelius F., Jr. Murphy, Ann Southard	6946-61-2776-000 5901 Mt. Eagle Dr., Apt. 705-708 Alexandria, VA 23303	51.2
<u>NEW</u> Soter, Donald B.	6040-45-8698-000 3767 Cobbler Mountain Rd. Delaplane, VA 20144	54.8635
<u>NEW</u> Lyons, David C., Tee	6064-90-4366-000 23210 Dover Rd. Middleburg, VA 20117	36.252

; and, be it

RESOLVED FURTHER, That upon execution and recordation of the Agreement, the described real estate shall be eligible for classification as Open Space under the Fauquier County Special Land Assessment Program.

A Resolution to Abandon a Portion of Dumfries Road (Route 605) in Fauquier County

RESOLUTION

A RESOLUTION TO ABANDON A PORTION OF DUMFRIES ROAD (ROUTE 605) IN FAUQUIER COUNTY

WHEREAS, the Virginia Department of Transportation has provided the Fauquier County Board of Supervisors with a sketch dated November 2, 1994 depicting the additions, discontinuances and abandonments required in the Secondary System of State Highways as a result of Project: 0605-030-200, C501 (Dumfries Road (Route 605)), which is incorporated herein by reference; and

WHEREAS, the portions of the old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of the old road identified to be abandoned and those segments no longer serve a public need; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Board of Supervisors does hereby abandon as part of the Secondary System of State

Highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia; and, be it

RESOLVED FURTHER, That Fauquier County Board of Supervisors concurs with the discontinuance as part of the Secondary System of State Highways, those portions of road identified by the sketch to be discontinued, pursuant to §33.1-150, Code of Virginia; and, be it

RESOLVED FINALLY, That a certified copy of this resolution shall be forwarded to the Residency Administrator of the Virginia Department of Transportation.

Richards Turnbull Estates Subdivision: Preliminary Plat PPLT06-MA-007, Marshall District

No action was taken.

A Resolution to Abandon a Portion of Sowego Road (Route 611) in Fauquier County, Cedar Run District

RESOLUTION

A RESOLUTION TO ABANDON A PORTION OF SOWEGO ROAD (ROUTE 611) IN
FAUQUIER COUNTY

WHEREAS, the Virginia Department of Transportation has provided the Fauquier County Board of Supervisors with a sketch dated 1990 depicting the additions, discontinuances and abandonments required in the Secondary System of State Highways as a result of Project: 0611-030-202, C502 (Sowego (Route 611)), which is incorporated herein by reference; and

WHEREAS, the portions of the old road identified to be discontinued are deemed to no longer serve public convenience warranting maintenance at public expense; and

WHEREAS, the new road serves the same citizens as those portions of the old road identified to be abandoned and those segments no longer serve a public need; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Board of Supervisors does hereby abandon as part of the Secondary System of State Highways those portions of road identified by the sketch to be abandoned, pursuant to §33.1-155, Code of Virginia; and, be it

RESOLVED FURTHER, That Fauquier County Board of Supervisors concurs with the discontinuance as part of the Secondary System of State Highways, those portions of road identified by the sketch to be discontinued, pursuant to §33.1-150, Code of Virginia; and, be it

RESOLVED FINALLY, That a certified copy of this resolution shall be forwarded to the Residency Administrator of the Virginia Department of Transportation.

A Resolution to Adopt a Revised County of Fauquier Records Management Plan

RESOLUTION

A RESOLUTION TO ADOPT A REVISED COUNTY OF FAUQUIER RECORDS MANAGEMENT PLAN

WHEREAS, the Virginia Public Records Act, Code of Virginia Section 42.1-76 et seq., requires Fauquier County to establish and maintain a program for the economical and efficient management of the records of its offices and departments; and

WHEREAS, the Virginia Public Records Act establishes a single body of law applicable to public officers and employees on the subject of public records management and preservation, and to ensure that the procedures used to manage and preserve public records will be uniform throughout the state; and

WHEREAS, in meeting assembled April 19, 2004, the Fauquier County Board of Supervisors adopted a Records Management Plan for Fauquier County to provide for an orderly and efficient system of records management in compliance with the provisions of the Virginia Public Records Act; and

WHEREAS, the Records Management Plan has recently been reviewed and updated; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the revised County of Fauquier Records Management Plan be, and is hereby, adopted.

COUNTY OF FAUQUIER

Records Management Plan

The Records Management Plan with its component, the ~~Records Management Manual~~ Virginia Public Records Management Manual, is designed to ensure a high level of customer service. The Plan provides a comprehensive, uniform system for the efficient management, access, elimination and storage of County records. The purpose of the Plan is to:

- define a records management policy
- retrieve, store and safeguard records
- archive records for the use of future generations
- destroy outdated records for efficient storage space management

The following paragraphs summarize the components of the Plan.

Records Management Policy

- A Countywide Records Manager appointed by the County Administrator will coordinate the implementation and maintenance of the Records Management Policy.
- Department Records Coordinators appointed by the department heads will implement and maintain departmental records under the direction of the Records Manager.
- ~~The Fauquier County Records Management Manual (RMM) prepared in accord with the Library of Virginia~~ The Virginia Public Records Management Manual will serve as the official policy and technical guide to records management.
- The Department Records Coordinators will be trained by the Records Manager initially and periodically in the use of the ~~RMM~~ VPRMM
- ~~A three-member Records Management Advisory Committee appointed by the County Administrator will meet at least once annually with the Records Manager to review, evaluate and update the Records Management Policy and its administration and recommend to the County Administrator any necessary changes, and consider appeals.~~

Retrieval, Storage and Protection of Records

- ~~As funds are available, all departments will duplicate vital records as defined in the RMM for the purpose of storing duplicate records in a secure off-site location.~~
- ~~The RMM will be amended periodically by the Records Manager and Records Management Advisory Committee with approval by the County Administrator to reflect advanced storage, retrieval and safety systems for various record types.~~
- The County will continue to explore the potential of using a ~~Geographic Information System~~ an Information Technology System for managing records.

Archival, Retention/Disposition of Records

- Archival records will be retained as regulated by the Library of Virginia under the provisions of Section 42.1-76 et. seq. of the Code of Virginia.
- Destruction of records will be implemented in accordance with the Library of Virginia policies.
- The Records Center of the Library of Virginia may be used for permanent storage of Library of Virginia defined archival/permanent records. All other archival/permanent records will be stored at a County records preservation site specified by the Records Manager.

Electronic Records

- Electronic records consist of magnetic tapes and disks, optical disks, compact disks (CD), and any other form of magnetic, electronic, or digital media and their associated software programs, documentation, manuals or instructions.
- The retention and disposition requirements for all records are the same regardless of their format (paper, microfilm, or electronic).
- Electronic records not listed on a retention schedule must be added.

Disaster Plan

- A specific plan for the protection, recovery, and/or salvage of public records involved in a disaster will be developed and included in the County's Emergency Operations Plan at the earliest possible date.

COUNTY OF FAUQUIER RECORDS MANAGEMENT MANUAL

I. Records Management Plan/Policy, Purpose and Scope

The purpose of the Fauquier County Records Management Plan is to establish a uniform County policy to provide effective controls over the creation, distribution, use, retention, storage, retrieval, protection, preservation and final disposition of the records which are essential to the administration of the County. Pursuant to a resolution adopted by the Board of Supervisors at its April 19, 2004 meeting, the County's program was created to:

- A. Provide for the proper and efficient management of the public records of Fauquier County from creation to disposition in the following sequence:
 1. Preparation for records storage
 2. Creation and maintenance of a records storage system
 3. Rapid retrieval
 4. Retention and disposition scheduling
 5. Microfilm or optical imaging applications
 6. Destruction or transfer to archives or permanent storage
 7. Disaster planning and recovery
- B. Promote efficient administrative practices through the designation of a County Records Manager and Department Records Coordinators. ~~and a Records Management Advisory Committee.~~
- C. Minimize overhead expense, reduce need for office space, filing equipment, file maintenance and staff time.
- D. Improve responsiveness to information retrieval requests by the public.

II. Authority, Duties and Responsibilities

- A. Pursuant to Section 42.1-85 of the Virginia Public Records Act, a Records Manager will be appointed by the County Administrator to administer the Records Management Plan and serve as the County's liaison to the Library of Virginia with the following specific duties:
1. Maintain and ~~annually~~ distribute to Department Records Coordinators the most current edition of the ~~County of Fauquier Records Management Plan~~ and *Records Retention and Disposition Schedules*, which serve, in conjunction with the Library of Virginia – Virginia Public Records Management Manual, as the official policy and technical guides for records management.
 2. Assure that records are periodically transferred to the Library of Virginia Records Center in accordance with the Library of Virginia – Virginia Public Records Management Manual or to the County Records Preservation Site, as appropriate.
 3. Provide ~~annual~~ training and ongoing technical assistance and direction to the Department Records Coordinators regarding all policies and procedures of the Records Management Plan.
 4. ~~Meet at least once annually with the Records Management Advisory Committee to review and evaluate the County's Records Management Policy and administration, and provide reports concerning appeals that may come before the Committee.~~
- B. The Department Heads have the authority and responsibility to:
1. Appoint Department Records Coordinators to administer the department's Records Management Program.
 2. Maintain a departmental Records Retention and Disposition Schedule which accurately lists all department records.
 3. Assure that records are periodically transferred to the Library of Virginia Records Center or to the County's Records Preservation Site through the Records Manager.
 4. Review the department's *Records Retention and Disposition Schedule* ~~at least once annually~~ periodically to ensure it is complete and accurate.
- C. The Department Records Coordinators will be appointed by the appropriate department heads to administer the records management program within their

department or division. The Department Records Coordinators will adhere to the records management policies set forth herein with the following specific duties:

1. Prepare and maintain a master records inventory of all file series within the department or division.
2. In accordance with the department or division *Records Retention and Disposition Schedule*, establish an ongoing, periodic calendar for destroying records or forwarding records to the Library of Virginia Records Center or to the County's Records Preservation Site as directed by the Records Manager.
3. Assist and provide technical guidance and training to involved personnel within the department and provide liaison with the Records Manager.

~~D. The Records Management Advisory Committee will be appointed by the County Administrator to oversee the administration of the Records Management Plan. The Committee will consist of three members comprising one department head, one division chief and one non-managerial staff member and will undertake the following duties:~~

- ~~1. Establish a system to prevent the multiplicity and fragmentation of records among departments by specifying primary guardianship.~~
- ~~2. Meet with the Records Manager at least once annually to review, evaluate and update the Records Management Plan and its administration. Recommendations regarding necessary changes will be made to the County Administrator and implemented with the Board of Supervisors' approval.~~
- ~~3. Provide guidance for the administration of the Records Management Plan when requested by the Records Manager or the County Administrator.~~
- ~~4. Consider and decide upon written appeals to the administration of the Records Management Plan. Prior to consideration of such appeals, the Records Manager will provide to the Committee a written report which will be considered in making a decision on the appeal.~~

III. Retrieval, Storage and Protection of Records

- A. The Library of Virginia – Virginia Public Records Management Manual will serve as the official policy and technical guide for records retrieval, storage and protection.
- B. A master records inventory of all files within each department and division must be prepared and retained in the Department. ~~updated on an annual basis and forwarded to the Records Manager on the specified forms.~~
- C. Prior to destruction of records, a ~~A~~ department *Records Retention and Disposition Schedule*, based on the Library of Virginia *Records Retention and Disposition Schedule*, must be ~~updated annually for submission~~ submitted to the Records Manager. This Schedule may be supplemented to indicate archival/permanent records that do not appear on the Library of Virginia schedule and require storage

at the County Records Preservation Site. All department and division schedules and suggested modifications to the Library of Virginia schedule must be routed through the Records Manager to be forwarded for approval by the Library of Virginia Records Analysis Section.

- D. All vital records, as defined in the Library of Virginia - Virginia Public Records Management Manual, must be identified and duplicated for storage off-site as directed by the Records Manager.

IV. Archival and Historic Records Retention/Disposition of Records

- A. Archival records will be retained as regulated by the provisions of Section 42.1-82 of the Code of Virginia and permanently stored in the Library of Virginia Archives. All historic records not specified as “permanent” or “archival” in a current Library of Virginia *Records Retention and Disposition Schedule* will be stored at the Fauquier County Records Preservation Site.
- B. A Records Transfer and Receipt provided by the Records Manager must be prepared and returned to the Records Manager for transmittal of archival or permanent records to the Library of Virginia Records Center.
- C. Records scheduled for transfer to the Library of Virginia Records Center must be stored in acid-free boxes approved by the Records Manager.
- D. Approval for destruction of records, including permanent records that have been converted to another physical format (such as microfilming), must be requested on forms provided by the Records Manager at least thirty days prior to destruction. Records scheduled for destruction, as defined in the Library of Virginia *Records Retention and Disposition Schedule*, must be clearly marked “Destroy after (date)” if they are stored in the Library of Virginia Records Center. (If an investigation or litigation is pending or ongoing, records cannot be destroyed until the investigation is completed or the litigation resolved.)

V. Disaster Response

- A. The department master records inventories, which identify the subject and location of records, will be stored in a secure, off-site location to expedite the removal/retrieval of vital and archival/permanent records in an emergency such as a flood, fire, hurricane or earthquake.
- B. In the event of a disaster, the initiation of communications, assessment of record damages and salvage of records will be performed in accord with the County’s Emergency Operations Plan.
- C. The Records Manager will contact the Library of Virginia immediately for assistance in implementing a record evacuation/salvage procedure.

A Resolution Authorizing the Purchase of Real Estate for Airport Purposes and Application and Acceptance of Grant Funds for the Purchase

RESOLUTION

A RESOLUTION AUTHORIZING THE PURCHASE OF REAL ESTATE FOR
AIRPORT PURPOSES AND APPLICATION AND ACCEPTANCE OF GRANT FUNDS FOR
THE PURCHASE

WHEREAS, Fauquier County has negotiated contracts for purchase of the remaining parcels for Phase 2 of the Warrenton-Fauquier Airport Master Plan at purchase prices of \$400,500 from Al F. Krause, Trustee, \$200,000 from James and Daisy Durham, and \$150,000 from J. Donald and Sarah G. Morris; and

WHEREAS, the purchases are to be acquired using Federal Aviation Administration (FAA) and Virginia Department of Aviation (DOAV) grant funding; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Chairman of the Board of Supervisors and the County Administrator be, and are hereby, authorized to ratify on behalf of the County the contracts to purchase the above-referenced properties at the stated prices, to execute all documents necessary to purchase the property, and to apply for and accept grant funds from the FAA and DOAV for the purchase.

A Resolution to Approve a Memorandum of Understanding Between the Department of Homeland Security, Mt. Weather Emergency Operations Center and Fauquier County Department of Fire and Emergency Services

RESOLUTION

A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY, MT. WEATHER EMERGENCY
OPERATIONS CENTER AND FAUQUIER COUNTY DEPARTMENT OF FIRE AND
EMERGENCY SERVICES

WHEREAS, the Fauquier County Board of Supervisors intends to provide the best possible public safety services to the citizens of Fauquier County; and

WHEREAS, the Board of Supervisors recognizes the importance of sharing resources with neighboring jurisdictions during emergency events; and

WHEREAS, the Board of Supervisors, the Department of Fire and Emergency Services, and the Department of Homeland Security, Mt. Weather Emergency Operations Center have developed a Memorandum of Understanding (MOU) to provide mutual aid assistance during a local, State or Federal emergency; and

WHEREAS, it is the policy of the Board of Supervisors and the Fauquier County Department of Fire and Emergency Services to conclude such agreements whenever practicable; and

WHEREAS, it is mutually deemed sound, desirable, practicable, and beneficial for the parties to this Agreement to render assistance to one another in accordance with these terms; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That a Memorandum of Understanding between the Department of Homeland Security, Mt. Weather Emergency Operations Center and Fauquier County Department of Fire and Emergency Services be, and is hereby, approved; and, be it

RESOLVED FURTHER, That the Chairman of the Board of Supervisors be, and is hereby authorized to sign the approved Memorandum of Understanding on behalf of Fauquier County with implementation effective this date.

(THIS SPACE INTENTIONALLY LEFT BLANK)

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF HOMELAND SECURITY,
MT. WEATHER EMERGENCY OPERATIONS CENTER
AND
FAUQUIER COUNTY FIRE & RESCUE DEPARTMENTS FAUQUIER
COUNTY, VIRGINIA REGARDING MUTUAL AID ASSISTANCE**

1. **PARTIES.** The parties to this Agreement are the Department of Homeland Security (DHS), Mt. Weather Emergency Operations Center (MWEOC) and the Fauquier County Fire and Rescue Departments (FCFRD) of Fauquier County, Virginia.

2. **AUTHORITY.** This Agreement is authorized under the provisions of 42 U.S.C. § 1856a. and 42 U.S.C. § 5197.

3. **PURPOSE.** The purpose of this Agreement is to set forth terms by which FCFRD and MWEOC will provide mutual aid assistance to one another in order to render emergency assistance resulting from Hazardous Material (HAZMAT) Chemical-Biological-Nuclear (CBRN) incidences or in extinguishing fires and in preserving life and property from fire or response during a local, state or federal emergency which requires emergency services.

4. **RESPONSIBILITIES:**

DHS/MWEOC.

a. MWEOC personnel and assets will not be deployed more than ½ hour away from MWEOC and will be prepared to be recalled on short notice if the situation warrants. During increased threat levels (e.g. COGCON, HSAS elevations or similar) no assets will be deployed.

b. Upon request by any of the FCFRD, MWEOC Emergency Services Branch, subject to availability of staffing, in accordance with ½ hour restriction in paragraph a. above, will respond to locations within the requesting FCFRD jurisdiction, with trained/certified personnel for HAZMAT, CBRN, Fire and Rescue emergencies and provide portable Biological Laboratory Equipment to identify agents. The analysis will be preliminary and used for medical purposes only and **WILL NOT BE USED FOR FORENSICS**. HAZMAT materials/samples will be analyzed in the local jurisdiction and will not be brought back to MWEOC.

c. MWEOC shall receive from FCFRD a roster of team members who may respond to MWEOC. MWEOC shall notify FCFRD of those individuals that have pre-approved access to Area A at the MWEOC for the purposes of this MOU.

FCFRD.

a. Upon request by MWEOC to a FCFRD, the requested FCFRD, as available, will respond to MWEOC, with trained/certified personnel for incidents resulting from Hazardous Material (HAZMAT), Chemical-Biological-Radiological-Nuclear (CBRN), Fire, and/or Rescue emergencies affecting MWEOC personnel and/or property.

b. Upon request by MWEOC, the FCFRD, as available, shall provide incident response and support for fire fighting, EMS/ALS support and training for the MWEOC Fire Department staff.

c. In advance of any emergency or response, each FCFRD shall provide identifying information to MWEOC of its team members in order for proper checks to be made by MWEOC that will permit MWEOC to pre-approve access of the FCFRD team members to the MWEOC facility.

5. POINTS OF CONTACT.

Philip T. Myer, Fire & Rescue Chief
Fauquier Co., Fire & Rescue
78 W. Lee St. Suite 101
Warrenton, Virginia 20186
Office: (540) 347-6995
Fax: (540) 347-6999

Frank Davis, Fire Chief
Department of Homeland Security
Mount Weather Emergency Operations Center
P.O. Box 129
Berryville, Virginia 22611
Office: (540) 542-2668

6. OTHER PROVISIONS.

a. Nothing in this Agreement is intended to conflict with current law or regulation or the directives of the DHS or the FCFRD. If a term of this agreement is inconsistent with such authority, then that term shall be invalid, but the remaining terms and conditions of this agreement shall remain in full force and effect.

b. Personnel dispatched to aid a party pursuant to this Agreement shall remain employees of the aiding unit. All employee benefits, wage and disability payments, pensions, workman's compensation claims, damage to or destruction of equipment and clothing and medical expenses of the party rendering aid shall be the sole and exclusive responsibility of the respective party for its employees. No party hereto shall have any obligation to provide or extend insurance coverage for any of the items enumerated herein to the other party or its personnel.

c. Any equipment used by a party in carrying out this Agreement shall, at the time of action hereunder, be under the operational control of that party, and all personnel acting for a party hereunder shall, at the time of such action, be an employee or volunteer of that party. The responding team will report directly to the incident commander in charge.

d. Each party agrees to waive all claims against the other party, save those resulting from gross negligence or willful misconduct by a party hereto or its personnel, for any loss, damage, personal injury or death occurring in consequence of the performance of this Mutual Aid Assistance.

e. The Chief and other Senior Officials of each party to this Agreement are invited and encouraged to frequently visit the other's activities for familiarization tours consistent with local security, or other requirements and, as feasible, to jointly conduct CBRN planning and drills.

f. In an effort to provide mutual assistance, FCFRD and the MWEOC enter into this agreement. When assistance is needed, either party may initiate the request. The requesting party will specify the location where aid is needed. The responding party will determine the amount and type of equipment to be dispatched and the number of personnel to allocate. The rendering of assistance under the terms of this agreement is not mandatory on either party.

g. Cross training will be offered by all parties and will be conducted at both facilities so that all responders can acclimate themselves to different environments and procedures.

h. The Fire Chief of FCFRD and the Fire Chief of MWEOC are authorized to meet and draft any necessary operational procedures consistent with the terms of this agreement. Such procedures and any resulting agreements will become effective upon ratification by the appropriate personnel of each party.

i. Due to the sensitive nature of this agreement, all FCFRD and MWEOC personnel are responsible for Operations Security and Communications Security procedures. All questions from the media or private citizens are to be referred to the FEMA/DHS Office of Public Affairs.

j. After any significant operational, exercise, or training event involving both MWEOC and FCFRD, each party will provide a written report assessing the value of support and or training of the other party. Formal debriefs will be held at the discretion of the respective Fire Chiefs.

7. EFFECTIVE DATE. The terms of this agreement will become effective on the date of signing by the last party.

8. MODIFICATION. This agreement may be modified upon the mutual written consent of the parties.

9. TERMINATION. The terms of this agreement, as modified with the consent of all parties, will remain in effect until terminated by any of the parties. The agreement may be extended by mutual written agreement of the parties. Either party upon 30 days written notice to all other parties may terminate this agreement.

APPROVED BY:

Raymond Graham, Chairman
Board of Supervisors
Fauquier County, Virginia

Dabney Kern, Executive Administrator
Mount Weather Emergency Operations Center
Berryville, Virginia

Date: _____

Date: 1/4/06

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Architectural Review Board – Lee District: John Mills, for a four-year term expiring May 11, 2010.
- Architectural Review Board – Citizen-at-Large: Mary Root, for a four-year term expiring May 11, 2010.

A RESOLUTION TO AUTHORIZE FAUQUIER COUNTY TO MAINTAIN A PROPOSED TRAIL TO BE LOCATED IN THE VIRGINIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY ALONG A PORTION OF BEAR WALLOW ROAD, ADJACENT TO THE SILVER CUP SUBDIVISION

Mr. Atherton moved to postpone a decision on this matter until the next regular meeting on June 8, 2006. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO APPROVE THE CULVER FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

Mr. Downey moved to adopt the following resolution. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE THE CULVER FAMILY REQUEST TO REDUCE THE TEN YEAR SALE RESTRICTION FOR A FAMILY TRANSFER LOT

WHEREAS, on May 19, 2003, the applicants Daniel W. and Lori A. Culver were the recipients of a family transfer parcel; and

WHEREAS, Section 2-39.3(A)(3) of the Subdivision Ordinance does not permit such a lot to be voluntarily transferred to a non-immediate family member for at least ten (10) years; and

WHEREAS, the applicants are unable to build a house on the family parcel; and

WHEREAS, Section 2-39(14) of the Subdivision Ordinance allows the Board of Supervisors to reduce the ten (10) year restriction on selling a family transfer parcel to a non-immediate family member if it finds an extraordinary hardship is caused by the ten (10) year restriction; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the requirement that Daniel W. and Lori A. Culver hold this family transfer parcel for a period of ten (10) years be, and is hereby, reduced so that the parcel may be transferred to a non-immediate family member.

A RESOLUTION TO APPROVE A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH, CEDAR RUN DISTRICT

Mr. Graham moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE A RIGHT-OF-WAY LESS THAN FIFTY FEET IN WIDTH,
CEDAR RUN DISTRICT

WHEREAS, Karl D. and Brenda L. Germain, Owners, are seeking a waiver of Zoning Ordinance Section 7-302.1.C. to allow a right-of-way that is less than fifty (50) feet in width; and

WHEREAS, the applicants propose to create one administrative lot and a residual lot from the 12.16-acre parcel identified as PIN #7942-03-1088-000, with access via a thirty-foot easement, which connects to Carriage Ford Road (Route 607); and

WHEREAS, on April 27 2006, the Fauquier County Planning Commission recommended approval of the proposed Zoning Ordinance waiver; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That Zoning Ordinance Section 7-302.1.C be, and is hereby, waived to permit Karl D. and Brenda L. Germain to create an administrative lot on the above-referenced parcel, which will be accessed by a right-of-way that is less than fifty (50) feet in width.

SUPERVISORS' TIME

- Mr. Robison announced that the Piedmont Republican Women's Club is sponsoring an event on May 16, 2006, at various locations throughout the day, in which Mrs. George Allen will address current topics followed by questions and answers, and the public is invited to attend.
- Mr. Stribling stated that the Board of Supervisors enjoyed a dinner earlier in the evening at the Fauquier Extension Office that was hosted by the Fauquier Extension Leadership Council. Mr. Stribling announced that a memorial service will be held at the Fauquier County Sheriff's Office on May 15, 2006, in honor of National Police Week, to remember fallen officers. Mr. Stribling stated that volunteers perform a tremendous service to the community and he commended both volunteer and paid firefighters for their rescue efforts during a recent bus accident in Bealeton.
- Mr. Graham announced that a reception will be held on May 16, 2006, at Poplar Springs in Casanova, in recognition of Virginia Business Appreciation Week and to recognize over 170 local businesses. Mr. Graham announced that the American Cancer Society's Relay for Life event will be held June 3-4, 2006, at Fauquier High School, and that Congresswoman Joanne Davis will be present to light the torch. Mr. Graham announced that on May 22, 2006, the Muscular Dystrophy Association is hosting a fundraising event, in which he has volunteered to be "locked up" and he is seeking donations to raise "bail" for his release.

ANNOUNCEMENTS

- Mr. McCulla announced that the next regular meeting of the Fauquier County Board of Supervisors will be held on June 8, 2006, at 6:30 p.m. in the Warren Green Building 1st Floor Meeting Room, located at 10 Hotel Street, in Warrenton, VA

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$7,849,154

A public hearing was held to consider various budget related issues in the amount of \$6,188,957 in appropriations, and \$1,660,197 in transfers for FY 2006. Bryan Tippie, Budget Director, summarized the proposed amendments. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2006 ADOPTED BUDGET IN THE AMOUNT OF \$7,849,154

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 31, 2005, the Board of Supervisors adopted the Fauquier County FY 2006 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its April meeting the Finance Committee recommended FY 2006 budget adjustments of \$7,849,154 for the purposes set forth below; and

WHEREAS, on May 11, 2006, a public hearing was held; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the FY 2006 Budget be, and is hereby, amended in the amount of \$7,849,154 as follows:

Source	FROM Code	Amount	Department	TO Code	Amount
<u>FY 2006</u>					
Federal Funds	3-100-331000-0200	\$1,160	Sheriff's Office	4-100-031200-6047	\$1,160
Federal Funds	3-100-331000-0056	\$18,101	Sheriff's Office	4-100-031200-1201	\$16,732
				4-100-031200-6010	\$1,369
Insurance Reimbursement	3-100-411000-0010	\$3,600	Sheriff's Office	4-302-031200-8107	3,600
State Funds	3-100-244100-0080	\$6,500	Fire and Emergency Services	4-100-032420-1101	\$6,500
Federal Funds	3-100-337000-0012	\$7,415	Library	4-100-073100-6050	\$7,415
Insurance Reimbursement	3-100-411000-0010	\$8,986	Parks & Recreation	4-100-071120-8201	\$8,986
State Funds	3-100-024100-0050	\$85,826	Social Services	4-100-053120-5701	\$6,250
				4-100-053120-5715	\$54,146
				4-100-053130-5717	\$25,430
Federal Funds	3-100-335000-0010	\$289,369	Social Services	4-100-053130-5716	\$5,503
				4-100-053130-5717	\$229,719
				4-100-053120-5715	\$54,147
Real Estate Revenue	3-100-111001-0001	\$5,450,000	Budget Office	4-302-066610-8711	\$238,022
				4-302-066605-8701	\$3,050,000
				4-302-012722-8300	\$500,000

				4-302-071140-8512	\$41,978
				4-302-12120-8303	\$620,000
				4-302-073100-8308	\$250,000
				4-302-031400-8600	\$300,000
				4-302-073100-8305	\$450,000
Fuel Reserve	4-100-091400-9600	\$100,000	Fleet Maintenance	4-210-043414-4210	\$100,000
School Division Funds	4-100-31200-1101	\$43,000	School Division	4-205-0621401130-900-000	\$43,000
WFJCC Fund Balance	3-220-419000-0010	\$50,000	WFJCC	4-302-031400-8600	\$50,000
General Fund Fund Balance	3-100-419000-0010	\$125,000	Budget Office	4-302-066100-8701	\$125,000
Local Funds (Transfer)	4-100-53110-1101	\$10,075	Social Services	4-100-053120-5701	\$3,750
				4-100-053130-5717	\$6,325
Capital Funds (Transfer)	4-302-91400-0100	\$3,021	Budget Office	4-302-071140-8522	\$84
				4-302-071140-8523	\$2,937
Utility Funds (Transfer)	4-210-44510-8230	\$39,791	Budget Office	4-210-044511-8230	\$39,791
General Funds (Transfer)	4-100-011010-5230	\$5,700	Information Technology	4-100-012511-5230	\$252,278
	4-100-012110-5230	\$6,000			
	4-100-012210-5230	\$4,000			
	4-100-012310-5230	\$7,040			
	4-100-012320-5230	\$1,650			
	4-100-012410-5230	\$5,000			
	4-100-012420-5230	\$500			
	4-100-012600-5230	\$4,500			
	4-100-012721-5230	\$10,100			
	4-100-012727-5230	\$500			
	4-100-012840-5230	\$2,705			
	4-100-012900-5230	\$2,750			
	4-100-013200-5230	\$2,700			
	4-100-021100-5230	\$2,900			
	4-100-021200-5230	\$5,900			
	4-100-021300-5230	\$1,270			
	4-100-021500-5230	\$4,300			
	4-100-021600-5230	\$6,000			
	4-100-021700-5230	\$3,000			
	4-100-021710-5230	\$3,000			
	4-100-022100-5230	\$5,200			
	4-100-031200-5230	\$59,400			
	4-100-032420-5230	\$6,800			
	4-100-033200-5230	\$2,300			
	4-100-033400-5230	\$6,500			
	4-100-043410-5230	\$900			
	4-100-043412-5230	\$5,000			
	4-100-043413-5230	\$5,740			
	4-100-043450-5230	\$360			
	4-100-053110-5230	\$21,120			
	4-100-053165-5230	\$2,450			
	4-100-053500-5230	\$3,500			
	4-100-053510-5230	\$650			
	4-100-071110-5230	\$75			
	4-100-071120-5230	\$3,500			
	4-100-071130-5230	\$566			
	4-100-071140-5230	\$8,087			
	4-100-071150-5230	\$870			
	4-100-071160-5230	\$300			
	4-100-073100-5230	\$20,345			
	4-100-081200-5230	\$11,600			
	4-100-081500-5230	\$3,000			
	4-100-081800-5230	\$700			
	4-100-083100-5230	\$3,800			

School Division Capital	4-302-66620-8726	\$1,139,625	School Division	4-302-066600-8701	\$50,000
Funds	4-302-66630-8725	\$177,185		4-302-066610-8713	\$100,400
(Transfer)				4-302-066620-8729	\$544,000
				4-302-066620-8730	\$170,000
				4-302-066630-8714	\$160,000
				4-302-066630-8715	\$169,000
				4-302-066610-8718	\$123,410
School Division Capital	4-302-66620-8719	\$9,333	School Division	4-302-066620-8720	\$34,882
Funds	4-302-66620-8727	\$23,920		4-302-066620-8728	\$3,340
(Transfer)	4-302-66630-8725	\$4,969			
TOTAL		\$7,849,154			\$7,849,154

PROPOSED AMENDMENT RELATING TO TAX RELIEF FOR THE ELDERLY AND DISABLED

A public hearing was held to consider an Ordinance amending Article II, Chapter 8, of the Code of Fauquier County, to revise Section 8-3 (Exemption for Elderly and Disabled) to provide for increased financial limitations for qualification for relief from real property tax. Ross D'Urso, Commissioner of the Revenue, summarized the proposed amendment. Paul Wade, Scott District, stated that the existing process required to apply for tax relief is too restrictive and complicated, and should be simplified. No one else spoke. The public hearing was closed. Mr. Robison moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

ORDINANCE

AN ORDINANCE AMENDING SECTION 8-3 (EXEMPTION FOR ELDERLY AND DISABLED) OF THE CODE OF FAUQUIER COUNTY TO PROVIDE FOR INCREASED FINANCIAL LIMITATIONS FOR QUALIFICATION FOR RELIEF FROM REAL PROPERTY TAX

WHEREAS, the Board of Supervisors of Fauquier County adopted an Ordinance establishing certain income and combined net worth limitations for application for real estate tax relief for the elderly and disabled; and

WHEREAS, Article II, Chapter 8 of the Code of Fauquier County regulates requirements for the program; and

WHEREAS, Title 58.1-3211 Code of Va. establishes the maximum limitations, and the County of Fauquier is among those localities that may, by Ordinance, establish higher than the standard income and financial worth limitations for the Real Estate Exemption Program for the Elderly and Disabled; and

WHEREAS, the local governing body may adopt a local Ordinance to accommodate the enabling legislation; and

WHEREAS, after due notice and public hearing, the Board of Supervisors has determined that these changes are for the benefit of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Board of Supervisors of Fauquier County this 11th day of May 2006, That Section 8-3 of the Code of Fauquier County be, and is hereby, amended to read as follows:

ARTICLE II. REAL ESTATE TAX EXEMPTION FOR ELDERLY PERSONS

Sec. 8-3. Eligibility for exemption.

(a) Any person sixty-five (65) years of age or older on December thirty-first of the year immediately preceding the taxable year, who owns, or partially owns, a dwelling as the sole dwelling of that person, or who is sixty-five (65) years or older and resides in a hospital, nursing home, convalescent home or other facility for physical or mental care for extended periods of time, provided such residence is not used or leased to others for consideration or who is determined to be permanently and totally disabled as defined herein, shall be eligible for, and may apply for, an exemption of real estate taxes on such dwelling and land, in an amount not to exceed ~~one (1) acre~~ *five (5) acres* on which it is situated. Provided that the total combined income during the immediately preceding calendar year from all sources of the owners of the dwelling living therein and of the owners' relatives living in the dwelling does not exceed ~~fifty two fifty eight~~ *fifty eight* thousand dollars (~~\$52,000~~), (*\$58,000*) that the first ~~eight ten~~ *eight* thousand ~~five hundred~~ dollars (~~\$8,500~~) (*\$10,000*) of income of each relative, other than spouse, of the owner, or owners, who is living in the dwelling shall not be included in such total.

(b) Notwithstanding subsection (a) of this section, if the person has already qualified for an exemption or deferral under this article, and if the person can prove by clear and convincing evidence that after so qualifying the person's physical or mental health has deteriorated to the point that the only alternative to permanently residing in a hospital, nursing home, convalescent home or other facility for physical or mental care is to have a relative move in and provide care for the person, and if relative does move in for that purpose, then none of the relative's income shall be counted towards the income limit.

(c) the net combined financial worth, as herein above defined, as of December thirty-first of the immediately preceding year, cannot exceed ~~one hundred ninety five four hundred forty~~ thousand dollars (~~\$195,000~~) (*\$440,000*). (Ord. No. 87-6, 7-21-87; Ord. No. 89-2, 4-4-89; Ord No. 91-1, 2-5-91; Ord No. 92-3, 7-21-92; Ord No. 02-04, 5-20-02)

RELOCATION OF THE CATLETT PRECINCT POLLING PLACE TO H.M. PEARSON ELEMENTARY SCHOOL

A public hearing was held to consider relocating the Catlett Precinct Polling Place to H.M. Pearson Elementary School. Mr. Graham summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following

Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: *Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE TO AMEND SECTION 7-2 OF THE FAUQUIER COUNTY CODE TO RELOCATE THE CATLETT PRECINCT POLLING PLACE TO H.M. PEARSON ELEMENTARY SCHOOL

WHEREAS, the Catlett Precinct Polling Place is currently located at Catlett Volunteer Fire Company; and

WHEREAS, the Catlett Volunteer Fire Company has scheduled demolition which will preclude the use of the Fire Company as a polling place in the June 2006 primary election; and

WHEREAS, the School Division has agreed to make H.M. Pearson Elementary School available as a polling place; and

WHEREAS, H.M. Pearson is a suitable polling place for the Catlett voting precinct; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Fauquier County voting precinct location for Catlett Precinct be, and is hereby, relocated as amended herein; and, be it

ORDAINED FURTHER, That the County Attorney be, and is hereby, authorized and directed to forward copies of the Ordinance to the Fauquier County Electoral Board, the Secretary of the Commonwealth, the State Board of Elections, and the Division of Legislative Services; and, be it

ORDAINED FINALLY, That Section 7-2 of the County Code be, and is hereby, amended and readopted as follows:

Sec. 7-2. Same--Enumerated.

The precincts for each magisterial district and the polling places for each precinct shall be as set forth below:

- (1) *Cedar Run magisterial district:*
 - a. Opal precinct, Liberty High School.
 - b. Casanova precinct, Dominion Virginia Power Building.
 - c. Catlett precinct, ~~Catlett Fire Hall~~ H.M. Pearson Elementary School.
 - d. Kettle Run precinct, St. Stephen's Church.
 - e. Lois precinct, Community Christian Church.

(ALL SUBSEQUENT PROVISIONS UNCHANGED)

(Ord. No. 87-1, 2-17-87; Ord. No. 87-5, 7-21-87; Ord. No. 88-1, 3-15-88; Ord. No. 90-5, 7-17-90; Ord. No. 91-6, 7-16-91; Ord. No. 92-2, 3-17-92; Ord. No. 92-4, 8-18-92; Ord. No. 94-2, 5-3-94; Ord. No. 96-2, 3-19-96; Ord. No. 01-05, 7-16-01; Ord. No. 02-08, 11-18-02; Ord. No. 04-02, 4-19-04; Res. No. 05-03, 5-12-05, Ord. No. ____-06, 5-11-06)

SPECIAL EXCEPTION #TWSE06-SC-001 – COMMONWEALTH OF VIRGINIA C/O VDOT, OWNER, AND ROBERT POSILKIN AND JOSEPH JOYCE C/O VERIZON WIRELESS, APPLICANT – VERIZON WIRELESS AT THOROUGHFARE GAP

A public hearing was held to consider an application to obtain a Telecommunication Special Exception to allow for an eighty-foot (80') monopole with twelve antenna and the installation of a 12' x 30' x 10' equipment shelter in the VDOT right-of-way. The property is located at the intersection of I-66 and Route 55, near The Plains, in Scott District. The applicant requested that this matter be deferred for sixty (60) days. Cathy Weeden, Scott District; Alex Hazel, Scott District; Jolly deGive, Marshall District; Matthew Weeden, Scott District; Nick Cox, Scott District; Peter Quinn, Broad Run; and, Barbara Severin, Scott District, spoke in opposition to the application; Georgia Herbert, Scott District, spoke in opposition to the special exception request, and presented a letter from Dale and Robin Givardi, also in opposition to the application. No one else spoke. Mr. Downey moved to continue the public hearing, and to table a decision on the matter until the *next* regular Board meeting on June 8, 2006. Mr. Graham seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

SPECIAL EXCEPTION #SPEX06-CR-019 – CATLETT VOLUNTEER FIRE DEPARTMENT, OWNER AND APPLICANT – CATLETT VOLUNTEER FIRE COMPANY, INC.

A public hearing was held to consider an application to obtain Special Exception approval under Category 11 to build a Fire and Rescue Station. The property is located at the intersection of Catlett Road (Route 28) and Gaskins Lane (Route 796), in Cedar Run District, further identified as PIN #7922-93-4822-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. No one else spoke. The public hearing was closed. Mr. Graham moved to adopt the following resolution. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION TO APPROVE SPEX06-CR-019: REQUEST TO BUILD A FIRE AND RESCUE STATION

WHEREAS, Catlett Volunteer Fire Department, Owner, and Catlett Volunteer Fire Company, Inc., Applicant, is seeking Special Exception approval to build and operate a fire and rescue station; and

WHEREAS, the Applicant seeks this approval under Category 11 to build a combined fire and rescue station in the Village of Catlett; and

WHEREAS, this parcel is identified as PIN #7922-93-4822-000; and

WHEREAS, on April 27, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of this application; and

WHEREAS, on May 11, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-1100; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That SPEX05-CR-019 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat, dated February 15, 2006, and received in the Planning Office on February 17, 2006.
4. A site plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The Special Exception shall be granted for an indefinite period.
6. Only emergency vehicles can have ingress/egress to the site from Route 28. No personal vehicles, deliveries, or others may use that entrance.
7. Internal (to the site) signage shall be required to clearly direct emergency vehicles only to the Route 28 entrance.

8. The facility may be used for overnight accommodations for personnel.
9. Ingress and egress shall be in accord with County and VDOT standards or approval.

SPECIAL EXCEPTION #SPEX06-LE-022 – OLD DOMINION ELECTRIC COOPERATIVE, OWNER, AND NEIL SELBY, APPLICANT – SHADY GROVE KENNEL & HUNTING PRESERVE, INC.

A public hearing was held to consider an application to obtain Special Exception approval under Category 9 to allow for a hunting preserve. The property is located on the southeast side of Lucky Hill Road (Route 655) off of Old Grassdale Road (Route 782), in Lee District, further identified as PIN #6897-26-4438-000 and PIN #6897-28-4312-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Neil Selby, applicant, requested favorable consideration of the application. Morgan Ott, Lee District; and Barbara Severin, Scott District, spoke in favor of the application. Mr. Graham presented a letter from Jim Hazel, in support of the application. A Game Warden from the Department of Game and Inland Fisheries, offered to answer questions from the Board. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following resolution. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

**A RESOLUTION TO APPROVE SHADY GROVE KENNEL & HUNTING PRESERVE:
SPEX06-LE-022 REQUEST FOR A HUNTING PRESERVE**

WHEREAS, Old Dominion Electric Cooperative, Owner, and Neil Selby, Applicant, is seeking Special Exception approval to operate a hunting preserve; and

WHEREAS, the Applicant seeks Special Exception Category 9 approval for a hunting preserve on 272 acres of land leased from Old Dominion Electric Cooperative (ODEC); and

WHEREAS, the parcels are identified as PIN #6897-26-4438-000 and PIN #6897-28-4312-000; and

WHEREAS, on April 27, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of this application; and

WHEREAS, on May 11, 2006, the Board of Supervisors conducted a public hearing and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the application satisfies the standards of Zoning Ordinance Articles 5-006 and 5-900; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That SPEX06-LE-022 be, and is hereby, approved, subject to the following conditions:

1. The Special Exception is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception is granted only for the purpose(s), and/or uses indicated on the Special Exception Plat approved with the application, as qualified by these development conditions.
3. The development of the property shall be in general conformance with the Special Exception Plat received in the Planning Office on March 17, 2006.
4. A site plan shall be required, pursuant to Article 12 of the Zoning Ordinance.
5. The Special Exception shall be granted for three (3) years.
6. The number of employees shall not exceed twelve (12).
7. The facility shall operate in accordance with all applicable state and local regulations.
8. The hunting preserve shall be limited to bird hunting and the use of shotguns with birdshot.
9. The preserve may operate daily between the hours of 8:00 a.m. and 5:00 p.m.
10. A 100-yard buffer zone, for safety, shall be provided and maintained around the perimeter of the designated hunting preserve area. Only Shady Grove employees (without guns) shall be permitted to enter the safety zone to retrieve downed game.
11. Hunting outside the designated preserve area is prohibited.
12. The border between the preserve and the 100-yard buffer area shall be adequately designated and secured with single strand wire fencing and brightly colored posted signs to indicate the area is a hunting preserve/no trespassing.
13. No hunting is allowed within 100 yards of a property line.
14. All hunters shall be accompanied by Shady Grove employees.
15. The applicant shall meet the provisions of Fauquier County Zoning Ordinance Section 3-309 applicable to the operation of hunting preserves.

REZONING #REZN05-LE-001, AND SPECIAL EXCEPTIONS #SPEX05-LE-008, AND #SPEX06-LE-021 – ESTATE OF ROBERT H. HODGSON, JEAN E. CHEATHAM, WILLIAM W. GOULDING, JAMES F. STEFFEY, AND GARY W. WEAVER, OWNERS, AND CENTEX HOMES, APPLICANT – FREEDOM PLACE

A public hearing was continued from April 13, 2006, to consider an application to rezone approximately 219 acres from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential-2 (RR-2), to permit a mixed use neo-traditional development that includes workforce housing. As part of the PRD rezoning request, the applicant is requesting modifications to the Zoning and Subdivision Ordinances pursuant to the Zoning Ordinance Section 4-112. In addition, the applicant wishes to obtain Special Exception approval under Category 23, which would allow for the crossing of a floodplain. Further, the applicant is seeking a Category 26 Special Exception to reduce the non-common open space requirement for the balance of PIN #6889-89-6214-000 that is not being rezoned. The property, which is in the Bealeton Service District, is located in the northwest quadrant of the intersection of Marsh Road (Route 17) and Catlett Road (Route 28), in Lee District, further identified as PIN #6889-89-6214-000, PIN #6899-18-3742-000, and PIN #6899-05-7716-000. Elizabeth Cook, Chief of Planning, summarized the application. John Foote, Esquire, representing the applicant, requested favorable consideration of the application. No one else spoke. The public hearing was closed. Mr. Stribling moved to adopt the following Ordinance. Mr. Atherton seconded and, following discussion, the vote for the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE FREEDOM PLACE REZONING REQUEST (REZN05-LE-001) FROM RURAL AGRICULTURAL (RA) TO PLANNED RESIDENTIAL DEVELOPMENT (PRD) AND RURAL RESIDENTIAL (RR-2)

WHEREAS, Jean E. Cheatham, William W. Goulding, Estate of Robert H. Hodgson, James F. Steffey and Gary W. Weaver, Owners, and Centex Homes, Applicant, have initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Sections 13-202 to rezone 219 acres from Rural Agricultural (RA) to Planned Residential Development (PRD) and Rural Residential – 2 (RR-2) to permit a mixed use neo-traditional development; and

WHEREAS, the request comprises parcels identified as PIN #6889-89-6214-000, PIN #6899-18-3742-000, and PIN #6899-05-7716-000; and

WHEREAS, the Applicant has requested a series of Zoning and Subdivision Ordinance modifications pursuant to Zoning Ordinance Section 4-112 that are described in the Freedom

Place Planning and Design Guidelines and PRD Modifications dated April 7, 2006, received in the Planning Office on April 10, 2006, and in Appendix A of the Proffer Statement – Request for Modification of Certain Requirements Related to Drainage; and

WHEREAS, the revised Proffer Statement, Concept Development Plan, and the Planning and Design Guidelines and modifications establish the uses and densities for the Freedom Place Development; and

WHEREAS, on March 30, 2006, the Fauquier County Planning Commission held the last of several public hearings on the Rezoning request and recommended unanimously that the application be approved, including the proposed Zoning and Subdivision Ordinance Modifications, with the exception of the applicant’s drainage modification request titled, at that time, “Request for Modification of Certain Zoning Ordinance, Subdivision Ordinance and Design Standards Manual Requirements”; and

WHEREAS, on April 13, 2006 and May 11, 2006, the Fauquier County Board of Supervisors held public hearings on this Rezoning request and considered both oral and written testimony; and

WHEREAS, by the adoption of this Ordinance the Fauquier County Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Rezoning request REZN05-LE-001, Freedom Place, to change the Zoning Map designation of 219 acres from RA to PRD and RR-2, be, and is hereby, approved, subject to the Freedom Place Concept Development Plan (16 sheets) prepared by Bowman Consulting, dated August 20, 2004 and revised through April 7, 2006, received in the Planning Office on April 10, 2006, the Proffer Statement dated May 8, 2006 including Appendix A – Request for Modification of Certain Requirements Related to Drainage, and the Freedom Place Planning and Design Guidelines and PRD Modifications dated April 7, 2006.

Mr. Stribling then moved to adopt the following resolution. Mr. Atherton seconded and, following discussion, the vote for the motion was 4 to 1, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>Mr. Richard W. Robison</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE FREEDOM PLACE SPECIAL EXCEPTIONS
#SPEX05-LE-008: FILL IN THE FLOODPLAIN FOR FLOODPLAIN CROSSINGS,
AND #SPEX06-LE-021: REDUCTION OF NON-COMMON OPEN SPACE

WHEREAS, Jean E. Cheatham, William W. Goulding, Estate of Robert H. Hodgson, James F. Steffey and Gary W. Weaver, Owners, and Centex Homes, Applicant, are seeking approval for a Category 23 Special Exception for fill in the floodplain associated with floodplain crossings, and a Category 26 Special Exception for a reduction of non-common open space; and

WHEREAS, the Applicant seeks these approvals to construct floodplain crossings and reduce the non-common open space requirement on PIN #6889-89-6214-000 for the Freedom Place Development; and

WHEREAS, this assemblage of parcels is identified as PIN #6889-89-6214-000, PIN #6899-18-3742-000, and PIN #6899-05-7716-000; and

WHEREAS, on March 30, 2006, the Fauquier County Planning Commission held a public hearing on the proposed Special Exception and recommended approval of these applications; and

WHEREAS, on April 13, 2006 and May 11, 2006, the Board of Supervisors conducted public hearings and considered written and oral testimony; and

WHEREAS, the Board of Supervisors has determined that the applications satisfy the standards of Zoning Ordinance Articles 5-006, 5-2301 and 5-2601; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 11th day of May 2006, That #SPEX05-LE-008 and #SPEX06-LE-021 be, and are hereby, approved, subject to the following conditions:

1. The Special Exceptions are granted for and run with the land indicated in these applications and is not transferable to other land.
2. The Special Exception is granted only for the purpose(s), structure(s) and/or uses indicated on the Freedom Place Concept Development Plan and Proffers received in Community Development on April 10, 2006, approved with the application, as qualified by these development conditions.
3. The reduction of non-common open space shall be granted in order to create a 36-acre lot, dedicated to Fauquier County via the proffers, located north of the proposed East-West Connector Road.
4. The remaining parcel shall be allowed one (1) subdivision right and the required non-common open space easement shall be recorded on the residue. The one division and the residue parcel shall be deed restricted from further subdivision.
5. Under no circumstances shall any use, activity, fill, and/or development within the floodplain adversely affect the capacity of the channels or floodways of any watercourse, drainage ditch, or any other drainage facility or system which would increase flood heights and/or velocities on adjacent properties.

6. The crossings shall be designed to accommodate all Federal, State, and local requirements and shall incorporate river-training and counter-sinking techniques.
7. The crossings shall not be sized any larger than necessary to convey the applicable design storms for the relevant category of roadway (based on traffic estimates), unless mutually agreed to and requested by the Fauquier County Engineering Office and VDOT.
8. In all cases, proposed crossings of the FEMA floodplain shall be aligned and designed to traverse floodplains and the natural stream in locations where disturbance to the floodplain is minimized (i.e., in areas where floodplain top widths are the smallest and where the natural stream can be crossed perpendicularly without requiring natural stream channel relocation unless otherwise directed by the County Engineer).
9. Should multiple structures be required to accommodate the projected discharges, the primary cell of the crossing shall be sized to conform to the natural stream characteristics (as defined by stream width, existing bed and banks, invert elevations, etc.). These characteristics must be field surveyed and be included with final plan submittal. The primary cell shall be located in the actual location of the incised streambed. Additional cells of the crossing must be designed to only be activated at such time as the overbank region would normally be activated with higher volumes of stormwater runoff (as determined by the County Engineer). Invert elevations of the additional cells shall be established no lower than the natural overbank elevation where they will be placed. Should the cells be constructed as a single structure, the crown elevation of all cells must be designed to match each other. Depending on the individual site conditions, the additional cells may be constructed separately from the primary cells, but must meet Fauquier County and VDOT requirements at the time of final design review.
10. A detailed flood study must be prepared to County specifications and submitted to FEMA for CLOMR/LOMR processing. These items must be bonded with Fauquier County until complete.
11. Proper permits are to be obtained from DEQ, DOE, and/or VMRC for any work in waters of the US and/or the State.
12. The CLOMR must be approved prior to the approval of the Final Construction Plans.

REZONING #REZN05-SC-015 AND REZN05-SC-016 – KAREN E. COSNER, TRUSTEE, OWNER, AND SHENANDOAH DEVELOPMENT, LLC, APPLICANT

A public hearing was held to consider an application to rezone approximately 4.5 acres from Residential-1 (R-1) to Commercial-Highway (C-2), and to amend the existing proffers on the balance of the property (9.5-acre portion) in order to allow for more diverse land uses. The property is located on the east side of Route 15/29 at 4545 Lee Highway, Warrenton, in Scott District, further identified as PIN #7916-03-8979-000. Melissa Dargis, Assistant Chief of Planning, summarized the application. Joe Wiltse, representing the Applicant, requested favorable consideration of the application. Chuck Medvitz, Scott District; and Barbara Severin, Scott District, spoke in favor of the application, however, recommended clarification of the

definitions of fast food restaurants versus specialty shops, as outlined in the Section 2, Paragraph 3, of the Proffer Statement. No one else spoke. The public hearing was closed. Mr. Downey moved to adopt the following Ordinance. Mr. Stribling seconded and, following discussion, the vote for the motion was unanimous, as follows:

<i>Ayes:</i>	<i>Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE TO APPROVE THE COSNER REZONING REZN05-SC-015 AND REZN05-SC-016: A REZONING REQUEST FOR 4.5 ACRES OF LAND FROM RESIDENTIAL (R-1) TO COMMERCIAL - HIGHWAY (C-2) AND TO AMEND THE EXISTING PROFFERS ON THE REMAINING 9.5 ACRES

WHEREAS, Karen E. Cosner, Trustee, Owners, and Shenandoah Development, LLC, Applicant, have initiated an application to amend the Fauquier County Zoning Map in accordance with the provisions of Zoning Ordinance Sections 13-202 to rezone approximately 4.5 acres from Residential-1 (R-1) to Commercial-Highway (C-2) and to amend the existing proffers on the balance of the property (9.5 acre portion) in order to allow for more diverse land uses; and

WHEREAS, the parcel is within the New Baltimore Service District and identified as PIN #7916-03-8979-000; and

WHEREAS, on April 27, 2006, the Fauquier County Planning Commission held a public hearing on the Rezoning request and recommended unanimously that the application be approved; and

WHEREAS, on May 11, 2006, the Fauquier County Board of Supervisors held a public hearing on this Rezoning request and considered both oral and written testimony; and

WHEREAS, by the adoption of this Ordinance the Board of Supervisors has determined that the public necessity, convenience, general welfare, or good zoning practice is satisfied by this amendment to the Fauquier County Zoning Map; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of May 2006, That the Rezoning request REZN05-SC-015 and REZN05-SC-016, Cosner Property, to change the Zoning Map designation of 4.5 acres from R-1 to C-2, and to amend the existing proffers on the remaining 9.5 acres, be, and is hereby, approved, subject to the Cosner Property Concept Development Plan prepared by Professional Land Consultants, dated 2/2006 and received on March 29, 2006, and the Proffer Statement dated May 2, 2006.

A RESOLUTION TO CONSIDER ENTERING INTO AN AGREEMENT WITH MID-ATLANTIC AVIATION LLC, TO LEASE PROPERTY FOR THE DEVELOPMENT OF A CLEAR SPAN HANGAR AT THE WARRENTON-FAUQUIER AIRPORT

A public hearing was held to consider a resolution to enter into an agreement with Mid-Atlantic Aviation LLC, to lease property for the development of a clear span hangar at the Warrenton-Fauquier Airport. Anthony I. Hooper, Deputy County Administrator, summarized the proposed agreement and recommended deferring a decision for sixty days. No one else spoke. The public hearing was closed. Mr. Graham moved to table the matter until the Board meets in regular session on July 13, 2006. Mr. Downey seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

A RESOLUTION TO CONSIDER INCREASING THE CONSTRUCTION DEMOLITION DEBRIS FEE AT THE CORAL FARM LANDFILL FROM \$45.00 PER TON TO \$46.00 PER TON EFFECTIVE JULY 1, 2006

A public hearing was held to consider increasing the Construction Demolition Debris fee at the Coral Farm Landfill from \$45.00 per ton to \$46.00 per ton, effective July 1, 2006. Anthony I. Hooper, Deputy County Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Graham moved to postpone a decision on the matter until the next regular Board meeting on June 8, 2006. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 6-302.16 AND 5-202

A public hearing was held to consider an amendment to Section 6-302.16 to permit farriers as a home occupation, and to enact certain standards for such use. The text amendment initiated by the Board of Supervisors on April 13, 2006, also provided for sale and rental of party supplies as a home occupation. The Planning Commission was of the opinion that this proposed text amendment required further review and study, and continued this matter on their agenda. W. Todd Benson, Assistant Zoning Administrator, summarized the proposed amendment. No one else spoke. The public hearing was closed. Mr. Atherton moved to adopt the following Ordinance. Mr. Robison seconded and, following discussion, the vote for the motion was unanimous, as follows:

Ayes: Mr. Harry F. Atherton; Mr. Raymond E. Graham; Mr. William G. Downey; Mr. Richard W. Robison; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTIONS 6-302.16 TO PERMIT FARRIERS AS A HOME OCCUPATION

WHEREAS, on April 13, 2006, the Board of Supervisors initiated this text amendment;
and

WHEREAS, on April 27, 2006, the Planning Commission held a public hearing on this issue and forwarded the proposed text amendment to the Board of Supervisors recommending its adoption; and

WHEREAS, on May 11, 2006, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, the adoption of this text amendment would be in the spirit of the Zoning Ordinance, consistent with public convenience, general welfare, and good zoning practices, consistent with the adopted Comprehensive Plan, and is in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 11th day of May 2006, That Section 6-302 of the Fauquier County Zoning Ordinance be, and is hereby, amended as follows:

6-302.16 Permitted Home Occupations

[1 through 15 – Same]

16. Farriers, by right in all districts when the farrier travels off site for business, by right in Agriculture, Conservation, and Rural Residential Districts when the farrier works at his home, and by special permit in all other districts when the farrier works at home.

With no further business, the meeting was adjourned at 8:55 PM.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on May 11, 2006.

*Paul S. McCulla
Clerk to the Board of Supervisors*